

**MINUTES OF THE  
TRANSPORTATION INTERIM COMMITTEE**

Wednesday, November 19, 2003 – 10:30 a.m. – Room 129 State Capitol

**Members Present:**

Sen. Dan R. Eastman, Senate Chair  
Sen. Ed P. Mayne  
Rep. Joseph G. Murray, House Chair  
Sen. John W. Hickman  
Rep. Calvin G. Bird  
Rep. Don E. Bush  
Rep. David Clark  
Rep. Marda Dillree  
Rep. John Dougall  
Rep. James A. Dunnigan  
Rep. James A. Ferrin  
Rep. Neil A. Hansen  
Rep. Brad King  
Rep. Todd E. Kiser  
Rep. Rebecca Lockhart  
Rep. Ty McCartney

**Members Absent:**

Sen. Sheldon Killpack  
President Al Mansell

**Staff Present:**

Mr. Benjamin N. Christensen, Policy Analyst  
Ms. Shannon C. Halverson, Associate General Counsel  
Ms. Wendy Bangerter, Legislative Secretary

**Note:** A list of others present and a copy of materials can be found at <http://www.leg.utah.gov> or by contacting the committee secretary, Jennifer Markham, at 538-1032.

**1. Committee Business**

Chair Eastman called the meeting to order at 10:40 a.m.

**MOTION:** Rep. Hansen moved to approve the minutes of October 15, 2003. The motion passed unanimously.

**2. Transportation Planning Task Force -- Final Report**

Sen. Carlene Walker and Rep. Lockhart, distributed and reviewed the final report of the Transportation Planning Task Force. Sen. Walker stated that there will be no single solution to the funding of transportation. She reviewed the findings of the task force.

Rep. Lockhart reviewed the recommendations of the task force from the report. She reviewed draft legislation from the report, "Joint Transportation Planning Amendments," "Guidelines for Local Matching Dollars for Transportation Projects," and "Transportation Planning Task Force Reauthorization." She asked that the Legislature reauthorize the task force so they can address the Task Force recommendations.

Mr. Carlos Braceras, UDOT, distributed "Comments of the Utah Department of Transportation on Selected Recommendations of the Transportation Planning Task Force Report." He responded to questions regarding several task force recommendations.

**3. Fuel Taxes for Alternately Fueled Vehicles**

Mr. Ben Christensen distributed and reviewed a letter drafted to answer questions regarding fuel taxes for alternative fuel vehicles. He explained draft legislation, "Fuel Tax Provisions for Clean Fueled Vehicles," which had been mailed to the Committee prior to the meeting. He reviewed options for establishing a rate paid for alternative fuels.

Rep. Murray spoke in favor of the legislation. He stated it would be a matter of fairness to tax clean fuel vehicle owners at the pump.

Rep. Kiser suggested that the industry be given a year to try to regulate themselves. He also suggested that a permit could be sold at the pump site.

Rep. McCartney suggested charging 74 percent of the rate paid for other fuels.

Mr. Tom Clark, Intermountain Truck, spoke in opposition to the legislation. He suggested that it would not work to charge the tax at the pump.

Mr. Bernell Loverage, Utah Energy Office, spoke in favor of establishing incentives for all alternatively-fueled vehicles, not just for electric vehicles and spoke in opposition to the legislation.

Mr. Tom Gordon, Flower Patch Inc., spoke in opposition to the legislation. He stated that if alternative fuels were taxed, he would be forced to drop his clean fuel vehicles.

Mr. Allen Nelson, A-Quality Plumbing and Heating, spoke in opposition to the legislation, explaining that he always buys the certificates for his 19 natural gas vehicles. He commented that operation costs of natural gas vehicles is higher.

Mr. Doug Higher, Jardine Petroleum, spoke in opposition to a reduced rate of tax, but would support a fuel permit or collecting tax at the pump.

Mr. Jack Elizondo, Questar, emphasized the benefits of clean fuels. He explained that alternatively-fueled vehicles are more expensive to repair and operate.

Mr. Morris Jackson, Questar, spoke in opposition to the legislation, saying it would take away the incentive for the public citizen.

Mr. Gordon Larsen, Clean Cities and natural gas vehicle owner, spoke in opposition to the legislation, noting that many vehicles run on both alternative fuel and regular gasoline.

**MOTION:** Rep. Bush made a motion to move on to the next item on the agenda. The motion passed with Rep. Murray voting in opposition. Sen. Hickman and Rep. King were absent for the vote.

#### **4. Motor Vehicle Code Revisions**

Mr. Robert Hull, UDOT, referred to draft legislation, "Motor Vehicle Code Revisions," which had been mailed to the Committee prior to the meeting; and explained amendment number one, which was distributed to the Committee.

Mr. Christensen explained amendment number two, which was distributed to the Committee and which would change 500 feet to 0.1 mile throughout the bill.

**MOTION:** Rep. Dillree moved to adopt "Motor Vehicle Code Revisions" as a Committee bill, including amendment number one as follows:

1. Page 1, Line 17: After "left turn is permitted" delete "and a U-turn is not permitted"
2. Page 6, Line 161: After "is" insert ":(i)" and after ";" insert "and (ii) not a two-way left turn lane;"
3. Page 8, Line 231: After "¿" insert "or"
4. Page 8, Line 234: Reinstate "." and delete "¿ or"
5. Page 8, Lines 235-236: Delete lines 235-236

The motion passed unanimously, with Sen. Mayne voting in opposition. Sen. Hickman and Rep. King were absent for the vote.

## **5. Scenic-Byway Designations Process**

Mr. John Quick, UDOT, explained the draft legislation, "Utah Scenic Byway Committee," which had been mailed to the Committee prior to the meeting. He stated there was no proposal to ask for additional funds.

Rep. Dougall explained an amendment dated November 18, 2003 1:35 p.m., which was distributed to the Committee.

Mr. Christensen explained the amendment number one, "Utah Scenic Byway Committee," which had been mailed to the Committee prior to the meeting, that would restrict federal members of the committee from voting.

**MOTION:** Rep. Murray moved to adopt "Utah Scenic Byway Committee" and the following amendments:

1. Page 3, Line 64: After "(5)(a)" insert "The chair may call a meeting of the committee only with the concurrence of the department. (b)"
2. Page 3, Line 65: Delete "(b)" and insert "(c)"

and

1. Page 2, Line 56: Delete "federal and"
2. Page 2, Line 58: Delete "federal and"
3. Page 2, Line 60: After "(3)" insert "(a)"
4. Page 2, Line 61: After line 61 insert:  
"(b) The members appointed under Subsections (2)(a)(v), (vi), (vii), and (viii) serve as nonvoting, ex officio members of the committee."
5. Page 3, Line 64: After "majority of the" insert "voting"

The motion passed unanimously with Sen. Hickman, Rep. King, and Rep. McCartney absent for the vote.

## 6. DUI Amendments

Sen. Carlene Walker, joined by Ron Gordon, Utah Sentencing Commission, explained the key elements of the legislation titled, "Driving Under the Influence Amendments," which had been mailed to the Committee prior to the meeting. Senator Carlene M. Walker proposed an amendment They specifically noted that screening and assessment are two separate processes used when a person is thought to be driving under the influence. Mr. Gordon also reviewed sections of the legislation.

**MOTION:** Sen. Mayne moved to adopt the proposed amendment as follows:

1. Page 7, Line 216: After "need of" insert ";  
(A)"
2. Page 7, Line 217: Delete "and" and insert  
"(B) an educational series; or  
(C) a combination of Subsections (1)(a)(i)(A) and (1)(a)(i)(B); and"
3. Page 8, Line 238: After "conviction" insert "."
4. Page 8, Line 239: After "agreement" insert "."
5. Page 9, Line 253: After "assessment;" insert "or"
6. Page 9, Line 254: After "series;" insert "and"
7. Page 9, Line 255-256: Delete lines 255-256
8. Page 18, Line 542: After "(1)(a);" delete "and"
9. Page 18, Line 547: After "(1)(b)" insert ";  
(d) regular court reviews for compliance;  
(e) random drug and alcohol testing; and  
(f) if a substance abuse treatment program is found appropriate under  
Subsection (1)(c), at least monthly reports from the substance abuse  
treatment program to the court"

The motion passed unanimously with Sen. Hickman, Rep. Dillree, Rep. Ferrin, Rep. King, and Rep. McCartney absent for the vote.

**MOTION:** Rep. Dougall moved to adopt the legislation, "Driving Under the Influence Amendment" as amended as a Committee bill. The motion passed unanimously, with Sen. Hickman, Rep. Dillree, Rep. Ferrin, Rep. King, and Rep. McCartney absent for the vote.

## 7. Motor Vehicle Title and Registration Amendments

Mr. Rod Marrelli, Executive Director, Utah State Tax Commission, explained the draft legislation, "Motor Vehicles Title and Registration Amendments," which had been mailed to the Committee prior to the meeting and would allow electronic delivery of certificates of title for vehicles. He stated that it codifies current practices.

**MOTION:** Rep. Murray moved to approve "Motor Vehicles Title and Registration Amendments," as a Committee bill. The motion passed unanimously, with Sen. Hickman, Rep. King, and Rep. McCartney absent for the vote.

## 8. Other Items / Adjourn

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**MOTION:** Rep. Hansen moved to adjourn the meeting. The motion passed unanimously.

Chair Eastman adjourned the meeting at 1:05 p.m.